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COUNSEL FOR DEBTOR

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

In Re:	§	Chapter 11
	§	
ActiTech, L.P.,	§	Case No. 22-30049-11
	§	
Debtor	§	Subchapter V

**MOTION TO CONTINUE HEARING ON CONFIRMATION
OF DEBTOR'S SUBCHAPTER V PLAN OF REORGANIZATION**
[Docket No. 93]

ActiTech, L.P. (the "Debtor") files this Motion to Continue the Confirmation Hearing set for September 26, 2022 at 1:30 p.m. on the Debtor's Subchapter V Plan of Reorganization (the "Plan") [*See* Order Providing Notice of Confirmation Hearing, Docket No. 93], and states as follows:

1. The Debtor filed its Plan on July 7, 2022.
2. On August 10, 2022, the Court entered its Order Providing Notice of Confirmation Hearing and Establishing Key Deadlines (the "Confirmation Scheduling Order") [Docket No. 93], setting September 26, 2022 at 1:30 p.m. as the confirmation hearing date for the Plan (the "Original Confirmation Hearing Date").

3. On August 17, 2022, the Debtor attended a mediation in Adversary Proceeding No. 22-03002-sjg, *JRJR33, Inc. and Agel Enterprises, Inc. v. ActiTech, L.P., Actichem, L.P., Elysiann Bishop, et al.*, in which Plaintiffs asserted a usury claim against the Debtor for over \$17 million and a joint enterprise claim against the Debtor's affiliate, Actichem, L.P., attempting to hold Actichem jointly and severally liable with the Debtor (the "Agel Adversary") (the "Mediation"). The Debtor and the other parties in the Agel Adversary reached a settlement at mediation that resolves all claims in the Agel Adversary. JRJR33 and Agel have agreed to support the Debtor's Plan pursuant to the settlement. Therefore, the Debtor no longer contemplates a contested confirmation hearing.

4. However, the Debtor needs additional time to amend the Plan to incorporate the terms of the settlement, and to prepare and file a motion seeking Court approval of the settlement under Bankruptcy Rule 9019. The Debtor will seek to have the 9019 Motion set for the same date and time as the continued confirmation hearing.

5. Pursuant to this Motion, the Debtor seeks to continue the Original Confirmation Hearing Date to October 5, 2022 at 2:30 p.m. (the "New Confirmation Hearing Date") and amend the Confirmation Scheduling Order to reflect the New Confirmation Hearing Date and related deadlines in the form attached hereto as Exhibit "A."

6. The Debtor has conferred with counsel for all parties involved in the Agel Adversary and with the Subchapter V Trustee regarding the New Confirmation Hearing Date. None of those parties object to the brief continuance and the New Confirmation Hearing Date requested herein.

7. If the Court grants this Motion, the Debtor will file an amended Plan and a 9019 Motion seeking approval for the settlement for consideration at the New Confirmation Hearing

Date in sufficient time to serve the Amended Plan, 9019 Motion, and other solicitation materials in order to give creditors the required amount of notice of the New Confirmation Hearing Date.

WHEREFORE, the Debtor respectfully requests that the Court enter an order in the form attached hereto as Exhibit "A" (1) resetting the confirmation hearing on the Plan to October 5, 2022 at 2:30 p.m. and (2) granting such further relief this Court deems necessary or just.

Dated: August 23, 2022

Respectfully submitted,

/s/ Douglas J. Buncher

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 23rd day of August 2022, a true and correct copy of the foregoing was served via ECF on all parties receiving notification in this proceeding, and via United States mail, First Class postage prepaid on the parties on the attached Service List.

/s/ Douglas J. Buncher
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